

City of Cincinnati



Interdepartmental Correspondence Sheet

Date: June 5, 2006

To: Board Members, Citizen Complaint Authority

From: Kenneth Glenn, Interim Executive Director / CCA

Subject: CCA Investigative Summaries Board Meeting / June 5, 2006

#1

Complaint #	05442
Complainant(s)	Jermaine Jones
Involved Officer(s)	Darryl Patrick
CCA Investigator	Diedre Larkins
Director Recommendation	Improper Procedure – Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

On December 21, 2005, CCA was advised by Communications that Jermaine Jones had died while in custody of the Cincinnati Police Department. Officer Darryl Patrick transported Mr. Jones to the Justice Center and while waiting to be processed, he became ill and was transported to University Hospital where he expired. This incident initially began at 1:21 a.m., 2718 Erlene Drive.

Summary and Conclusions

Mr. Jones was arrested by Sergeant Johnson after a short foot pursuit. The fire unit came on scene to treat Mr. Jones for a small cut on his hand. Mr. Jones was then transported to the Justice Center by Officer Patrick.

Officer Patrick placed Mr. Jones in a holding cell at the Justice Center while he completed the charging documents. During the time Mr. Jones was in the holding cell, Officer Patrick did not check on his status as he filed the arrest forms with the correctional staff.

An hour later, Officer Patrick and a deputy went to the holding cell to retrieve Mr. Jones, who was found lying face down on the floor with a faint pulse. Mr. Jones was unconscious and CPR was performed by the jail nurse with no response. After being treated by the jail nurse and the fire unit, Mr. Jones was transported to University Hospital where he expired within a half hour.

The Hamilton County Coroner's Office determined that Mr. Jones died of natural causes due to heart problems. The amount of exertion on Mr. Jones' behalf on the night of his arrest coupled with his heart condition and use of drugs were factors that contributed to his demise.

Findings

Improper Procedure- Officer Darryl Patrick

There is sufficient evidence to determine that the incident occurred and the actions of the officer were improper, therefore, the allegation of improper procedure (ensuring the safety of an arrested person) against Officer Darryl Patrick is **SUSTAINED**■

#2

Complaint #	06032
Complainant(s)	Rayshawn Oglesby
Involved Officer(s)	Keith Spurling
CCA Investigator	David Moonitz
Director Recommendation	Shots fired (dog) – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

On January 29, 2006, CCA was notified and responded to the area of Merrimac and Woodburn Avenues regarding shots fired at a dog by District 2 Officer Keith Spurling. It was reported that CPD Officers were affecting the arrest of Rayshawn Oglesby, a person wanted for open warrants. Mr. Oglesby's pit bull dog allegedly charged at the officers at which time Officer Spurling fired two rounds from his service weapon at the dog.

Summary and Conclusions

CPD Procedure 12.550, DISCHARGING OF FIREARMS BY POLICE PERSONNEL, **Policy** segment, states in part: "Shots Fired at Animals: An officer will use firearms only as a last resort or for protection of himself or others. . ."

CPD Procedure 12.545, USE OF FORCE, **Procedure** section, D.6.a., states, "The X26 Taser is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The X26 Taser is especially effective for vicious and/or dangerous dogs."

CPD Officers were in the area looking for Mr. Oglesby because he was wanted for open warrants. He was observed walking with his dog, at which time he was initially stopped by PS Leesummers and Officer Gardner. Mr. Oglesby was ordered to the ground and released the

dog's leash. Another officer asked for someone to grasp the dog's leash. When Officer Spurling reached for the leash the dog lunged toward and bit Officer Spurling's hand. The dog next lunged at his face. Officer Spurling backpedaled away but the dog continued toward him. He drew his weapon and fired a shot at the dog. Simultaneously Officer Hollander deployed his taser. Both barbs penetrated the animal. A second shot was fired by Officer Spurling but the dog ran down Woodburn Avenue. Sgt. Brown, Officers Spurling and Hollander were the only ones present who saw the shooting of the animal. Mr. Oglesby, who was on the ground, in a prone position, stated the dog was sitting near him at the time it was shot. Ms. Lolita Oglesby and her juvenile son were nearby when officers arrived but she immediately walked away and did not see any activity of the dog or the shots fired.

Findings

Officer Keith Spurling-Shots Fired-Dog

A preponderance of the evidence indicated that Officer Spurling discharged his firearm at an animal but was in compliance with CPD policies, procedures and training. **Officer Keith Spurling is EXONERATED of Shots Fired■**

#3

Complaint #	06046
Complainant(s)	Tempress McCleod
Involved Officer(s)	Ronald Ehler
CCA Investigator	Diedre Larkins
Director Recommendation	Use of Force – Unfounded
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Tempress McCleod filed a Citizen Complaint or Information with the Cincinnati Police Department on November 30, 2005, which was forwarded to the CCA on February 8, 2006.

Ms. McCleod alleged School Resource Officer Ronald Ehler, of Youth Services Section, used force by spraying her with chemical irritant during a fight at Aiken High School. This incident occurred on November 30, 2005, 11:18 a.m., 5641 Belmont Avenue.

Summary and Conclusions

Ms. McCleod stated she was behind Officer Ehler observing a fight in the school cafeteria when he sprayed her with chemical irritant. Ms. McCleod stated she experienced symptoms of being maced, for she had irritation to both eyes. Ms. McCleod stated the school nurse flushed her eyes with water.

Officer Ehler stated he held up his can of chemical irritant as he directed the crowd of students to back up. Officer Ehler kept his finger on the outside of the can's button as he gained compliance. Officer Ehler indicated he never deployed the chemical irritant.

Mr. Perdrix and Mr. Higgins both stated Officer Ehler only displayed the can of chemical irritant and never deployed it.

The CPD's Procedure Manual, Section 12.545, Use Of Force, states, *"When officers are confronted with a situation where control is required to effect arrest or project the public's safety, officers should attempt to achieve control through advice, warnings and persuasion."*

Section 12,545E2, Use of Chemical Irritant, states, *"Where feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning."*

Findings

Use of Force (Chemical Irritant)- Officer Ronald Ehler

The investigation has determined there are no facts to support that the incident complained of actually occurred, therefore, the allegation of use of force (Chemical Irritant) against Officer Ronald Ehler is **UNFOUNDED**■

#4

Complaint #	06054
Complainant(s)	Audrey White (deceased)
Involved Officer(s)	Jeffrey Ruberg, Chad Koeppke
CCA Investigator	David Moonitz
Director Recommendation	Jeffrey Ruberg: Death in Custody – Exonerated Chad Koeppke: Use of Force – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Ms. Audrey White was stopped driving a reported stolen vehicle at Vine Street and McMicken Avenue. Ms. White refused to exit the car and fled from the officers. Officer Ruberg pursued the vehicle she was driving and Ms. White crashed the car at Bank Street and Winchell Avenue, resulting in her death.

Summary and Conclusions

On February 16, 2006, PS James Davis and Officer Chad Koeppke stopped a vehicle driven by Ms. White. The vehicle was reported stolen. When ordered out of the car, Ms. White was non-

compliant. Officer Jeffrey Ruberg responded to the location to offer assistance. Ms. White drove away from the location and the officers initiated a pursuit. At the point where Ms. White drove the wrong way on Elder Street, PS Davis and Officer Koeppke disengaged in the pursuit. Officer Ruberg continued. Officer Brian Bolte also engaged in the pursuit. As the pursuit continued westbound on Liberty Street, Ms. White struck a parked vehicle in the 500 block, hurling the struck car onto the sidewalk. She temporarily stopped and Officers Ruberg and Bolte exited their CPD vehicles, approached on foot but she fled again. Officers resumed the pursuit. When she got to Winchell Avenue she ran off the roadway and eventually into a parking lot in the vicinity of 1000 Wade Walk, where she ran into a dumpster. In fleeing from there, she rammed Officer Bolte's CPD vehicle. He terminated his involvement in the pursuit at that time. She maneuvered around Officer Ruberg's vehicle, out of the parking lot and onto northbound Winchell Avenue. Officer Ruberg continued the pursuit to Winchell at Bank Street, where Ms. White again lost control of the vehicle and struck a utility pole. The pursuit terminated there.

A review of MVR recordings from four CPD vehicles paralleled the officers' statements and CAD print out data.

The Death Record of the Hamilton County Coroner's Office reflected that Ms. White died as the result of a complete transection of the spinal cord due to blunt impact to the head and neck. The manner of death was ruled as accidental.

Findings

Officer Chad Koeppke-Use of Force-Chemical Irritant

EXONERATED: A preponderance of evidence showed the alleged conduct occurred but did not violate CPD's policies, procedures or training.

Officer Jeffrey Ruberg-Death in Custody

EXONERATED: A preponderance of evidence showed the alleged conduct occurred but did not violate CPD's policies, procedures or training■

#5

Complaint #	06057
Complainant(s)	Ernest Mills, III
Involved Officer(s)	Jeffrey Scholl
CCA Investigator	Diedre Larkins
Director Recommendation	Use of Force – Exonerated Discourtesy – Unfounded
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Ernest Mills, III filed a complaint with the CCA on February 21, 2006; alleging Officer Jeffrey Scholl maced him. Mr. Mills stated Officer Scholl sprayed him a second time with chemical irritant after he kicked the cruiser's door. This occurred on January 28, 2006, 2:30 a.m., on Bowling Green Court.

Summary and Conclusions

Mr. Mills stated Officer Scholl stopped and sprayed him with chemical irritant on the sidewalk and once in the cruiser.

Officers Scholl and Cloud stated they were the two officers who stopped Mr. Mills and handcuffed him on the sidewalk. There was no other male officer present during this initial contact with Mr. Mills. When Mr. Mills began to kick the cruiser's plexiglass, Officer Scholl related he deployed one burst of chemical irritant, without warning, through the rear side window. Officer Scholl stated he did not nor observed any officer use additional force. The CAD indicates when additional officers arrived on scene, Mr. Mills had been arrested and the chemical irritant had been used.

Officer Cloud corroborated Officer Scholl's statement as to the facts of Mr. Mills' arrest.

Neither Officer Scholl nor Officer Cloud heard nor made profane remarks to Mr. Mills. Both officers denied using physical force with Mr. Mills.

The MVR did not reveal Officer Scholl being profane with Mr. Mills as he was kicking his feet in the cruiser.

The CPD's Procedure Manual, Section 12.545E3, Use of Force, states "*Officers may only use chemical irritant on a restrained individual when the restrained individual or another person is likely to suffer injury or to escape, absent the use of the chemical irritant.*" **Section 12.545E4** states, "*If it is necessary to use chemical irritant on a violent prisoner who is handcuffed and in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead officers will spray the prisoner through the protective screen.*" **Sections 12.545Ea and b** state, "*If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening, or spray through the rear door window nearest the prisoner's face. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.*"

The Manual Of Rules And Regulations And Disciplinary Actions For The Cincinnati Police Department, Section 1.06B states, "*Members of the Department shall avoid the use of coarse, violent, or profane language.*"

Findings

Use of Force (Chemical Irritant)- Officer Jeffrey Scholl

There is a preponderance of evidence that shows the alleged conduct occurred, but did not

violate CPD policies, procedures or training, therefore, the allegation of use of force (chemical irritant) against Officer Jeffrey Scholl is **EXONERATED**.

Discourtesy (In Cruiser)- Officer Jeffrey Scholl

This investigation has determined there are no facts to support that the incident complained of actually occurred, therefore, the allegation of discourtesy (in cruiser) against Officer Jeffrey Scholl is **UNFOUNDED**■

#6

Complaint #	06067
Complainant(s)	Anthony Baltimore
Involved Officer(s)	Jason Hodge
CCA Investigator	David Moonitz
Director Recommendation	Use of Force – Not Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Mr. Anthony Baltimore alleged Officer Jason Hodge placed his taser against his throat and pushed him backwards. The incident occurred on January 27, 2006, at 1117 Rulison Avenue. Mr. Baltimore telephoned his complaint to CCA on February 28, 2006.

Summary and Conclusions

Officers Hodge and LeRay were dispatched to Rulison Avenue to investigate suspicious men in a car. Upon their arrival, they observed two males sleeping in the car in question. Officers Hodge and LeRay obtained identification from them, returned to their CPD vehicle and processed them through the MDT. While waiting for the officers to return, one of the males in the vehicle called Mr. Baltimore from his cellular phone. Mr. Baltimore was outside in the rear of the residence. He went around to the front and approached the officers, telling them that the two men were from Cleveland and helping him to move into the residence. Officer Hodge informed Mr. Baltimore that a neighbor called 9-1-1 because the two men looked suspicious. He also told Mr. Baltimore he should be glad neighbors watched activity in the neighborhood. Mr. Baltimore responded with a racial comment (Officers and Mr. Baltimore agreed on the content of the conversation). Officer Hodge stated he advised Mr. Baltimore to move along before he was arrested for Disorderly Conduct. Mr. Baltimore walked into the driveway of his residence and sat on a wall that ran alongside the driveway and called to Officer Hodge, asking for his name and badge number. Officer Hodge stated he walked into the driveway to where Mr. Baltimore was sitting. Mr. Baltimore stated Officer Hodge approached him in an aggressive manner and he arose to his feet. Both Officer Hodge and Mr. Baltimore stated they believed the other one was going to strike him. An uninvolved witness stated she believed Mr. Baltimore was going to strike Officer Hodge and he reacted by grabbing one of Mr. Baltimore's wrists. Mr. Baltimore

stated Officer Hodge grabbed him, pushed him up the driveway and placed his taser at his throat. Officer Hodge stated he placed the taser against Mr. Baltimore's chest. Officer Hodge physically disengaged from Mr. Baltimore. Mr. Baltimore requested a CPD supervisor. Officer Hodge requested a supervisor and Sgt. Grant responded to the location.

Findings

Use of Force-Officer Jason Hodge

There were insufficient fact to determine whether or not the alleged misconduct occurred. The allegation of **USE OF FORCE** against **Officer Jason Hodge** is **NOT SUSTAINED**■

#7

Complaint #	06071
Complainant(s)	Vera Jenkins
Involved Officer(s)	Anthony Plummer
CCA Investigator	David Moonitz
Director Recommendation	Use of Force (Taser) – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Ms. Jenkins alleged on 03/01/06, at approximately 9:00 A.M., Officer Plummer tased her in the back and tased her a second time while she was on the floor inside her residence. The complaint was taken by CCA by telephone on 03/02/06.

Summary and Conclusions

A PCS broadcast was aired that dispatched officers to a Breaking and Entering in Progress. Two minutes later, PCS further broadcast a suspect's name, age, address and description of the car she was driving and her clothing (confirmed by the CAD). Officer Plummer diverted from responding directly to the scene of the B&E and assumed a position near the address given as to where the suspect lived. Shortly thereafter, Officer Plummer observed a car that fit the description given by PCS drive into the driveway and to the rear of the driveway. The driver exited the car and entered the residence through the rear doorway. He knocked on the rear door. Ms. Vera Jenkins answered the door and stepped outside. Officer Plummer asked her if she had been on Beech Avenue and she said she was. She was not asked for her name or identification but was told she was going to be detained for an investigation and handcuffed. She walked back into the kitchen. Officer Plummer called for her to stop and warned her of the impending use of the taser. She did not stop and the taser was deployed. Ms. Vera Jenkins was struck in the back by both barbs and fell to the floor on her back. Officer Plummer ordered her to roll over onto her stomach, at which time Ms. Stania Jenkins entered the kitchen. When Ms. Vera Jenkins failed to roll over, she was tased a second time and handcuffed.

Findings

Use of Force-Taser-Officer Anthony Plummer

EXONERATED. A preponderance of evidence shows that the alleged conduct did occur but did not violate CPD's policies, procedures, or training■

#8

Complaint #	06073	
Complainant(s)	James Gibbons	
Involved Officer(s)	Eric Vogelpohl, Frank McGraw, Luke Putnick	
CCA Investigator	David Moonitz	
Director Recommendation	Eric Vogelpohl:	Improper Pointing of a Firearm – Exonerated Unlawful Entry – Unfounded
	Frank McGraw:	Improper Pointing of a Firearm – Exonerated Unlawful Entry – Exonerated
	Luke Putnick:	Improper Pointing of a Firearm – Exonerated Unlawful Entry – Exonerated
Board Recommendation	Agree	
City Manager Finding	Agree	

Narrative

Mr. James Gibbons alleged on February 28, 2006, four male/white officers entered his apartment without his permission. They also pointed their guns at him. The complaint was received on March 2, 2006, by telephone.

Summary and Conclusions

It was confirmed by the CAD and 9-1-1 telephone recording that PCS dispatched several units to 1938 Race Street, based upon a phone call from Sonya Stacey, who advised PCS she saw a suspect who shot her a few days prior, enter that building. She further informed the 9-1-1 Operator that the suspect's girlfriend lived in apartment #3. The suspect was known by District 1 Officers, along with the facts he was known to be armed and wear body armor. Upon their entry, PS Eric Vogelpohl, McGraw and Officer Putnick went to the second floor apartment, designated as #3, that was occupied by Mr. Gibbons. Responding to the officers' knocks on his door, Mr. Gibbons stated there were four males/white, two in uniform and two in plainclothes with guns pointed at him. He was asked to turn on a light but told officers there were no lights in the

apartment. He stated after he stepped into the hallway he was pushed against the wall. PS Vogelpohl and McGraw stated there were three officers at Mr. Gibbons' apartment, weapons drawn but in the low-ready position. PS Vogelpohl stated Mr. Gibbons was not pushed against the wall. PS Vogelpohl and McGraw were in plainclothes; Officer Putnick was in uniform. PS McGraw and Officer Putnick entered the apartment to look for the subject named in the initial dispatch. The officers stated Mr. Gibbons gave verbal permission but Mr. Gibbons stated he did not. The officers articulated the exigency of the totality of the circumstances that led to their entry.

Findings

Improper Pointing of Firearms-Sgt Eric Vogelpohl, PS Frank McGraw and Officer Luke Putnick

Exonerated: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training.

Unlawful Entry-Sgt. Eric Vogelpohl

UNFOUNDED: The investigation determined no facts supported that the incident complained of actually occurred.

Unlawful Entry-PS Frank McGraw and Officer Luke Putnick

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training■

#9

Complaint #	06074
Complainant(s)	
Involved Officer(s)	Gregory Crowell
CCA Investigator	Diedre Larkins
Director Recommendation	Accidental discharge of weapon – Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Citizen Complaint Authority was advised by Communications that Inspections Section accidentally discharged his firearm as he was performing a functions check upon its cleaning. This incident occurred on March 5, 2006, 9:40 p.m., on Reading Road.

Summary and Conclusions

Sergeant Crowell stated after cleaning his service firearm he decided to perform a drive fire test.

Sergeant Crowell indicated he did not double-check his magazine and barrel prior to conducting this test and had mistakenly loaded one round. When the gun was discharged the bullet became embedded into the closet.

The review of the CAD confirmed this incident as related by Sergeant Crowell. Pictures provided by the Cincinnati Police Department also confirmed the statements provided by Sergeant Crowell.

Findings

Accidental Discharge- Sergeant Gregory Crowell

There is sufficient evidence to determine that the incident occurred and the actions of the officer were improper, therefore, it is concluded that the accidental discharge (improper procedure) against Sergeant Gregory Crowell is **SUSTAINED**■

#10

Complaint #	06077
Complainant(s)	
Involved Officer(s)	Anthony Plummer
CCA Investigator	David Moonitz
Director Recommendation	Shots Fired (dog) – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

On February 27, 2006, CCA was notified that Officer Anthony Plummer, on that date, discharged his firearm at a dog that was threatening him. The incident occurred at 1001 Rutledge Avenue.

Summary and Conclusions

Officer Plummer was dispatched by PCS to a dog bite incident on Trenton Avenue. The female/juvenile who was bitten informed him the incident occurred near Rutledge and St. Lawrence. He responded to the area and observed the dog running through the yards on Rutledge. He radioed for an SPCA unit to respond to the area and maintained surveillance of the dog. He observed two elderly females exiting a car and the dog go toward them. Officer Plummer exited the CPD vehicle, placed himself between the dog and the females and attempted to “shoo” the dog away. The dog went directly at him, barking and bearing it’s teeth. The dog came approximately five feet from him and he discharged his sidearm the first time. The dog yelped but continued toward him. He then discharged three more rounds. The dog dropped after the fourth round struck it.

On April 4, 2006, the CCA Investigator canvassed the neighborhood in which the dog was shot. The house at 1000 Rutledge, in front of where the animal was shot, was vacant. The resident at 1002 did not see the incident. No response came from 1001 and 1006 Rutledge Avenue.

Findings

Shots Fired, Dog-Officer Anthony Plummer

Exonerated: A preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training. ■

#11

Complaint #	06096
Complainant(s)	Bryant Holloway
Involved Officer(s)	John Heine
CCA Investigator	Dena Brown, Greg Pychewicz
Director Recommendation	Unlawful Search and Detention – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Bryant Holloway filed a Complaint with CCA on March 27, 2006.

Bryant Holloway alleged that on March 24, 2006 his girlfriend's van was searched without permission and he was detained for over an hour without cause.

Summary and Conclusions

Mr. Holloway stated that on March 24, 2006 he and his van were searched without his permission. He stated that he did not give Officer Heine permission to search his girlfriend's van. Officer Heine stated Officer Bley SCU-Unit notified him that Mr. Holloway was identified as a person who was selling drugs out of a van. Officer Heine obtained permission from Mr. Holloway to search his person and the van. Officer Mendoza canine Caesar received two hits on the van and it was searched at that time. Mr. Holloway was detained approximately 31 minutes according to the CAD printout.

Findings

Unlawful Search and Detention-Officer John Heine

A preponderance of the evidence shows alleged conduct did occur but did not violate CPD policy, procedures or training. **Officer John Heine is EXONERATED** of the allegation of **Unlawful Search and Detention**■

#12

Complaint #	06099
Complainant(s)	Kalli Adams
Involved Officer(s)	Adarryl Birch
CCA Investigator	Dena Brown, Greg Pychewicz
Director Recommendation	Use of Force – Not Sustained Unlawful Entry – Not Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Kalli Adams filed a Citizen Complaint with the Cincinnati Police Department on February 13, 2006, that was referred to CCA on March 30, 2006.

Ms. Adams alleges that Officer Adarryl Birch forced his way into her apartment and pushed her.

Summary and Conclusions

Ms. Kalli Adams stated that Officer Birch forced his way into her residence and pushed her. Officer Birch stated he entered the apartment to prevent Ms. Adams and Mr. Walker from a physical altercation. After following Mr. Walker to the bedroom to get his items Officer Birch had to separate Ms. Adams and Mr. Walker. Once Mr. Walker retrieved his clothing, Officer Birch, Specialist McGraw, and Mr. Walker left.

Findings

Use of Force-Officer Adarryl Birch

There were insufficient facts to determine whether or not the alleged misconduct occurred. The allegation of **Use of Force** against **Officer Adarryl Birch** is **NOT SUSTAINED**.

Unlawful Entry-Officer Adarryl Birch

There were insufficient facts to determine whether or not the alleged misconduct occurred. The allegation of **Unlawful Entry** against **Officer Adarryl Birch** is **NOT SUSTAINED**■

#13

Complaint #	06100
Complainant(s)	Lee Richardson
Involved Officer(s)	Jerry Turner
CCA Investigator	Dena Brown, Greg Pychewicz
Director Recommendation	Use of Force – Not Sustained Unlawful Search – Not Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Lee Richardson filed a complaint with the Cincinnati Police Department on March 2, 2006 that was referred to CCA on March 30, 2006.

Mr. Richardson alleges that Officers Karoline Harris and Jerry Turner beat him when he ran from them while being placed under arrest.

Summary and Conclusions

Mr. Richardson stated that he came in contact with Officers Turner and Harris on Vine St. and that he denied giving Officer Turner permission to search his person or his vehicle. Mr. Richardson alleged that Officer Turner struck him several times in the face and tripped him. Officers Turner and Harris stated Mr. Richardson gave them permission to search him and his vehicle. Both officers did not nor observe any officer use force on Mr. Richardson.

Findings

Use of Force Officer Jerry Turner

There are no facts to support that the incident complained of actually occurred, therefore, the allegation of **Use of Force** against Officer Jerry Turner is **NOT SUSTAINED**.

Unlawful Search Officer Jerry Turner

There are no facts to support that the incident complained of actually occurred, therefore, the allegation of **Unlawful Search** against Officer Jerry Turner is **NOT SUSTAINED**■

#14

Complaint #	06101
Complainant(s)	Alisha Hawkins
Involved Officer(s)	Paul Renadette, Mary Braun
CCA Investigator	David Moonitz
Director Recommendation	Paul Renadette: Use of Force – Not Sustained Mary Braun: Use of Force – Not Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Ms. Alisha Hawkins alleged on 02/11/06, at 108 Green St., Officer Renadette, while affecting her arrest, punched her in the stomach and Officer Braun choked her. CPD IIS received the complaint on 03/14/06, and it was received by CCA on 03/30/06.

Summary and Conclusions

Officer Hesselbrock arrested Ms. Hawkins for an open container violation. Upon checking through the MDT it was learned she was wanted on a Probation Violation warrant. She was handcuffed and placed in the rear of Officer Hesselbrock's CPD vehicle. When she was informed she was being taken to the Justice Center, Officer Hesselbrock and Ms. Hawkins stated she began kicking the windows and Plexiglas partition in the vehicle. During this flurry she was able to become disengaged from the lap bar. Officer Hesselbrock called for a supervisor and a female officer was en route to search Ms. Hawkins prior to transporting her to the Justice Center. When Officer Hesselbrock tried to engage the lap bar, Ms. Hawkins continued to resist him. Officers Renadette and Mary Braun arrived and attempted to secure her in the vehicle. The MVR recorded that Ms. Hawkins intentionally struck her head against the Plexiglas partition in the CPD vehicle. They were unable to secure her. Officer Renadette noticed her legs were extended and stiffened so he struck her with a fist on the right leg. Ms. Hawkins alleged he struck her in the stomach area with his fist. The strike by Officer Renadette was not excessive force. She relaxed her legs at which time she was secured in the vehicle by Officers Renadette and Braun. She further stated Officer Braun choked her while trying to secure her in the CPD vehicle. She was removed from the CPD vehicle by Officer Renadette for transportation to University Hospital by CFD.

The Hamilton County Justice Center Intake Health Screening Form indicated Ms. Hawkins informed the Intake Deputy she was not pregnant. University Hospital treatment records, 02/11/06, conflicted with her statements to CCA that she was pregnant.

Findings

Officer Renadette-Use of Force-Physical Strike (Stomach Area)

NOT SUSTAINED: There were insufficient facts to determine whether or not the alleged

misconduct occurred.

Officer Mary Braun-Use of Force-Choke

NOT SUSTAINED: There were insufficient facts to determine whether or not the alleged misconduct occurred■

#15

Complaint #	06102
Complainant(s)	Robert Obrecht
Involved Officer(s)	Robin Ellittott, Tony Lutz
CCA Investigator	David Moonitz
Director Recommendation	Robin Ellittott: Use of Force – Unfounded Tony Lutz: Use of Force – Unfounded Use of Force – Exonerated
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Mr. Robert Obrecht alleged on 02/25/06, at 661 Neave Street, District 3 Officers Lutz and Elliott slammed his head into the CPD vehicle while he was in custody. As a result he sustained a forehead laceration. The complaint was received from CPD IIS on March 30, 2006.

Summary and Conclusions

Officer Elliott was dispatched to 661 Neave Street regarding a subject in violation of a TPO. Upon her arrival, she found Mr. Obrecht outside of Ms. Patton's apartment. She took him into custody at which time she stated he became agitated. Officer Lutz arrived to assist Officer Elliott. As the officers were taking him down the stairs, Mr. Obrecht alleged the officers slammed him into a wall, pushed him into the door when exiting the building and slammed him onto the trunk of the CPD vehicle. Officers Elliott and Lutz denied that allegation and Ms. Patton corroborated their denials.

After being placed in the CPD vehicle, Mr. Obrecht was recorded on the DVR when he struck his head against the Plexiglas partition. Officer Lutz applied chemical irritant through a partially opened window in an attempt to prevent him from further injury. The irritant did not have any effect. Officers Brockmann and Wherle also responded. As they were securing Mr. Obrecht in the CPD vehicle, he spat in Officer Wherle's face. CFD EMTs arrived but Mr. Obrecht was too combative for them to decontaminate him. He was transported by Officer Elliott to University Hospital.

The DVR recorded Mr. Obrecht prior to striking his head against the Plexiglas partition in Officer Elliott's vehicle. No injury was observed. After he struck his head four consecutive

times, a laceration was observed in his middle forehead; he later struck his head an additional eleven consecutive times, which aggravated the injury. The Hamilton County Justice Center Intake Screening Form, dated Feb. 26, 2006, at 12:07 A.M., indicated Mr. Obrecht was intoxicated and noted "scrapes on forehead."

Findings

Officers Robin Elliott and Tony Lutz -Use of Force

UNFOUNDED: The investigation determined no facts supported that the incident complained of actually occurred.

Officer Tony Lutz-Use of Force-Chemical Irritant

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training■

#16

Complaint #	06103	
Complainant(s)	Ciera Jones	
Involved Officer(s)	John Haynes, Maurice Robinson	
CCA Investigator	David Moonitz	
Director Recommendation	John Haynes:	Improper Pointing of a Firearm – Exonerated Unlawful Search – Exonerated
	Maurice Robinson:	Improper Pointing of a Firearm – Exonerated Unlawful Search – Exonerated
Board Recommendation	Agree	
City Manager Finding	Agree	

Narrative

Ms. Ciera Jones alleged on 3/30/06, Officer John Haynes and other unknown CPD Officers stopped her while she was driving onto Belmont Avenue just off of Hamilton Avenue. She and her passengers were ordered to exit the vehicle at gunpoint, handcuffed and placed in CPD vehicles. Ms. Jones and her passengers were later released at the scene.

Summary and Conclusions

CPD Officers were alerted through PCS of a Chevrolet Impala, with specified license plates, containing several females/black waving a handgun at the person who called to 9-1-1. The

vehicle was observed a short time later and stopped by Officer Haynes. Ms. Ciera Jones was driving the car. Other CPD units responded to back up Officer Haynes. The officers extracted each of the occupants from the vehicle. The vehicle was then searched. No weapon was found. The occupants of Ms. Jones' car were all released and informed of why they were stopped. The officers had their weapons drawn and pointed at the occupants as each was extracted from the car. Mr. Jennings, who was the caller to 9-1-1 was interviewed, along with his passenger. They both stated a passenger in Ms. Jones' car displayed a handgun while Ms. Jones was cutting them off in traffic and operating in a reckless manner.

The PCS 9-1-1 recording confirmed information in the CAD and gave the license plate number, make and model of the car Ms. Jones was driving.

CCA was advised the DVR from Officer Haynes' CPD vehicle was unable to be located at the District level.

Findings

Officer John Haynes-Improper Pointing of Firearms

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training.

Officer John Haynes-Unlawful Search

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training.

Officer Maurice Robinson-Improper Pointing of Firearms

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training.

Officer Maurice Robinson-Unlawful Search

EXONERATED: A preponderance of evidence showed that the alleged conduct did occur but did not violate CPD policies, procedures, or training■

#17

Complaint #	06117
Complainant(s)	Javier Brathwaite
Involved Officer(s)	James Davis, Jason Bolte, Brian Bolte
CCA Investigator	Dena Brown, Greg Pychewicz
Director Recommendation	James Davis: Use of Force – Not Sustained Jason Bolte: Use of Force – Not Sustained Brian Bolte: Use of Force – Not Sustained
Board Recommendation	Agree
City Manager Finding	Agree

Narrative

Javier Brathwaite filed a complaint with the Cincinnati Police Department on March 28, 2006, that was referred to CCA on March 31, 2006.

Javier Brathwaite alleged that Specialist James Davis PS300, Specialist Jason Bolte PS55, and Officer Brian Bolte PO031 used excessive force by kicking, kneeing, choking and hitting his head against the ground as he was being handcuffed. This occurred on March 28, 2006, 3:04 am at 1301 Vine St.

Summary and Conclusions

Mr. Brathwaite stated he was walking to his grandmother's house when stopped by officers questioning him about his identity, he turned to walk away from the officers when Specialist Davis exited the cruiser to pursue after him. Mr. Brathwaite alleged that Specialist Davis, Bolte and Officer Bolte used excessive force by kicking, kneeing, choking and hitting his head against the ground. Specialist Bolte stated he and Officer Brian Bolte assisted Specialist Davis when Mr. Brathwaite ran. During the struggle to gain control of Mr. Brathwaite, they fell to the ground and Mr. Brathwaite received an abrasion to his forehead. Specialist Davis also received a scrape to the top of his head when it hit the gate.

Findings

Use of Force Specialist James Davis, Jason Bolte, and Officer Brian Bolte

There are insufficient facts to decide whether the alleged conduct occurred, therefore, the allegation of use of force against Specialist James Davis, Jason Bolte and Officer Brian Bolte is **NOT SUSTAINED**■
